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Attorneys for Plaintiff
 EASTBAY EXPRESS PUBLISHING LP

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

EASTBAY EXPRESS PUBLISHING LP,
 a Delaware limited partnership,

Plaintiff,

vs.

HAL BRODY and STEPHEN BUEL,

Defendants

Case No. C09-02494 CW ADR

STIPULATION TO DISMISS ACTION
 WITHOUT PREJUDICE PURSUANT TO
 SETTLEMENT AND [proposed] ORDER

Plaintiff EASTBAY EXPRESS PUBLISHING LP, a Delaware limited partnership, filed its complaint in this matter on June 4, 2009, against defendants HAL BRODY and STEPHEN BUEL. The parties have reached a settlement pursuant to which all parties hereto stipulate and agree that this matter shall be dismissed and that such dismissal shall be without prejudice, pending the timely satisfaction of certain obligations by defendants as set forth in the settlement agreement. In addition, the parties stipulate that this Court shall retain jurisdiction of this matter for the limited purpose of entering a Dismissal with Prejudice upon the timely satisfaction of all of the defendants' obligations under the settlement agreement. The parties further stipulate and agree that each party shall bear his or its own attorneys fees and costs, except as otherwise provided under the terms of the settlement agreement.

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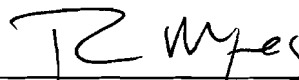
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STIPULATION & ORDER TO DISMISS W/O PREJUDICE No. C09-02494 CW ADR

SO STIPULATED:

Dated this 28th day of August, 2009

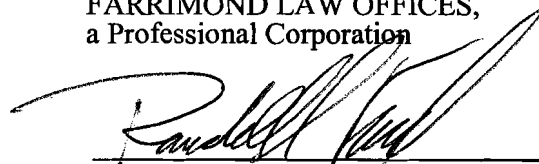
HOLME ROBERTS & OWEN LLP



ROGER MYERS
Attorneys for Defendants
HAL BRODY and STEPHEN BUEL

Dated this 28th day of August, 2009

FARRIMOND LAW OFFICES,
a Professional Corporation

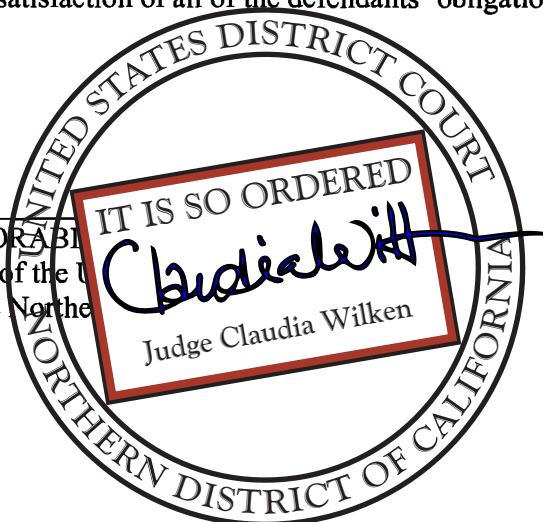


RANDALL S. FARRIMOND
Attorneys for Plaintiff
EASTBAY EXPRESS PUBLISHING
LP

PURSUANT TO STIPULATION, IT IS ORDERED, that this matter is hereby DISMISSED WITHOUT PREJUDICE and that this Court shall retain jurisdiction for the limited purpose of entering a Dismissal with Prejudice upon the timely satisfaction of all of the defendants' obligations under their settlement agreement with the plaintiff.

Dated: September 24, 2009

HONORABLE
Judge of the U.S. District Court
for the Northern District of California



STIPULATION & ORDER TO DISMISS W/O PREJUDICE No. C09-02494 CW ADR